

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IN RE: JUAN VIANEZ.

CASE NO. 15-5000 RJB

**ORDER DECLARING MR. VIANEZ
A VEXATIOUS LITIGANT AND
IMPOSING PRE-FILING
RESTRICTIONS**

This matter comes before the court on the Notice Re: Vexatious Litigant Pre-Filing Order. Dkt. 1. The court has reviewed the file, including the response of Mr. Vianez (Dkt. 2).

On January 8, 2015, the court issued a Notice Re: Vexatious Litigant Pre-Filing Order (Notice), permitting Mr. Vianez to file a response to the court's proposed finding that he is a vexatious litigant and that the pre-filing order set forth in the Notice should be entered. Dkt. 1.

On January 26, 2015, Mr. Vianez filed a document captioned “Objection to Order Response to Conflicted Out Judge Obstruction of Process.” Dkt. 2. Mr. Vianez contends that:

[t]here is nothing vexatious about any of Mr. VIANEZ fillings. Mr. VIANEZ and 9th Cir findings are not frivolous. Courts would not be in this position if Mr. bryan would except the true facts. These Elements have led to the current FALSE IMPRISONMENT.

1 Dkt. 2. Mr. Vianez contends that the challenges to his convictions have merit, as recognized by
2 the Ninth Circuit U.S. Court of Appeals; that the undersigned judge is “conflicted out” and tries
3 to cover the truth; that the court was without jurisdiction to impose the sentence, which was in
4 excess of the maximum authorized by law; that his criminal case (CR11-115JLR) remains
5 pending in the Ninth Circuit; that his civil cases had merit; and that all of the cases he has filed
6 remain active. Dkt. 2.

7 In the Notice Re: Vexatious Litigant Pre-Filing Order, the court has carefully set forth the
8 basis for declaring Mr. Vianez a vexatious litigant and has narrowly tailored the pre-filing
9 restrictions. Dkt. 1. That Notice is attached to this Order. Mr. Vianez’ objections to imposition
10 of the pre-filing order are without merit. The court should find that Mr. Vianez is a vexatious
11 litigant and should impose the filing restrictions set forth in the Notice.

12 Accordingly, it is hereby **ORDERED** that Mr. Vianez is declared a vexatious litigant.
13 The United States District Court for the Western District of Washington hereby **IMPOSES** the
14 following filing restrictions on Mr. Vianez:

15 1. Any document that relates to or attempts to challenge Mr. Vianez’ convictions in the
16 Western District of Washington (CR09-5065RJB and CR11-115JLR) will be docketed by the
17 Clerk in this case, No. 3:15-mc-05000-RJB, but no action will be taken on the document and no
18 case will be opened, unless under direction by the Ninth Circuit.

19 2. Any document that is not accompanied by the full filing fee, or a completed
20 application to proceed *in forma pauperis* that includes consent to withdraw funds from Mr.
21 Vianez’ prison account on a schedule pursuant to 28 U.S.C. § 1915, will be filed by the Clerk in
22 this case, No. 3:15-mc-05000-RJB, but no action will be taken on the document and no case will
23 be opened.

1 3. Any document that appears to be a new civil action and that is accompanied by a
2 completed application to proceed *in forma pauperis* will be docketed in this case, No. 3:15-mc-
3 05000-RJB, and reviewed by the Chief Judge, under the requirements of 28 U.S.C. § 1915(g),
4 who will determine whether the case may proceed.

5 4. Any other document that appears to be a new civil action and that is accompanied by
6 the full filing fee will be docketed in this case, No. 3:15-mc-05000-RJB, and reviewed by the
7 Chief Judge, who will determine whether the case may proceed.

8 5. A copy of this pre-filing order will be docketed in this case, No. 3:15-mc-05000-RJB,
9 and will also be filed in each case Mr. Vianez has filed in this district.

10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
11 to any party appearing *pro se* at said party's last known address.

12 || Dated this 2nd day of February, 2015.

Robert Bryan

ROBERT J. BRYAN
United States District Judge